



Public Notice

Applicant:

Seneca Foods
Corporation

Date:

Published: December 19, 2003

Expires: January 17, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 2003-02348(0)** **Section: NY 404**

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Seneca Foods Corporation, 100 Gambee Road, Geneva, New York 14456, is requesting Department of the Army (DA) authorization to fill 780 feet of a jurisdictional intermittent tributary and associated wetland (0.64 acres) for the construction of a warehouse building north of their existing facility. The proposed expansion is located off of Gambee Road, in the Town of Geneva, Ontario County, New York.

Approximately 1.75 acres of wetland, including an unnamed tributary to Marsh Creek, was delineated on the 35 acre parcel. Wetland A is approximately 1.64 acres in size and is located in and adjacent to the intermittent tributary. Wetland A contains scrub-shrub and emergent wetland along the tributary. Wetland A and the unnamed tributary drain into Marsh Creek, a tributary to Seneca Lake. The portion of Wetland B within the study area is approximately 0.09 acres. Approximately half of the 35 acres is currently developed with the existing facility, and most of the undeveloped portion of the site is agricultural cropland.

The original building was constructed in 1966 and was expanded in 1995. The applicant relocated the intermittent stream in 1995 and assumed the use of Nationwide Permit number 26 as appropriate. The resultant waterway is a low quality drainage that begins at the toe of slope.

The applicant proposes to fill approximately 780 linear feet of the intermittent tributary and associated Wetland A totalling 0.64 acres, for the construction of the new 520 foot by 600 foot steel warehouse. The applicant does not propose to impact Wetland B at this time.

To mitigate for the proposed fill, the applicant has proposed to relocate the open ditch and associated wetland around the proposed building. The new section of wetland/stream will be 1,717 feet long, and will be designed to have a similar cross section as the existing wetland/stream. A 225-foot long, 60-inch culvert will be located on the west side of the proposed building, to allow for a truck turnaround and staging area for the loading dock.

The purpose of the proposed fill is to expand an existing warehouse

facility. The applicant has indicated that the impact will allow the new building to abut the existing building, to provide for easier transport of product between the two warehouses, and will allow the utilities to be run directly between the two buildings.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Margaret A. Crawford, who can be contacted by calling (315) 255-8090, or by e-mail at: margaret.a.crawford@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, and should be marked to the attention of Margaret A. Crawford, or by e-mail at: margaret.a.crawford@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

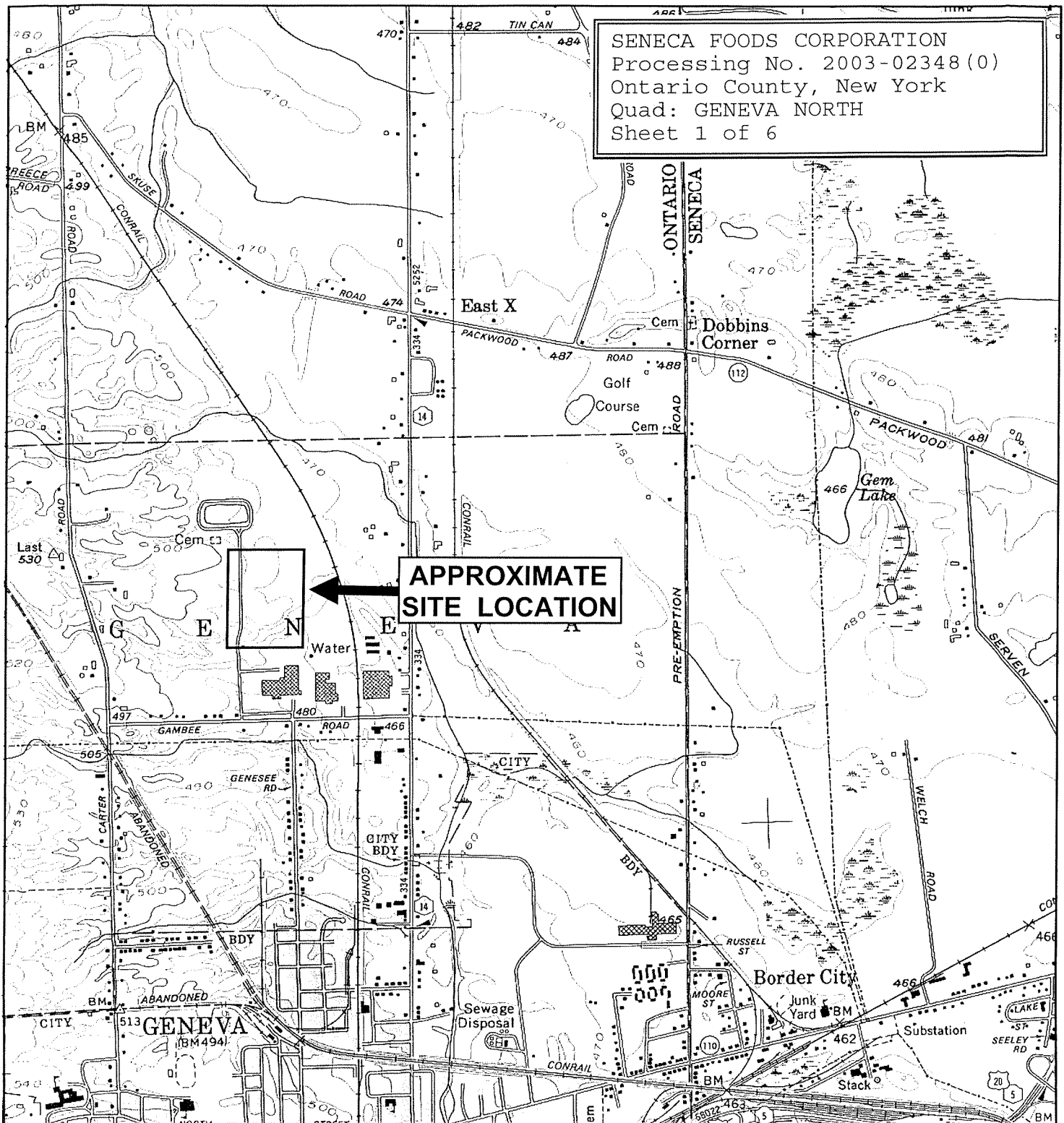
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


for Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

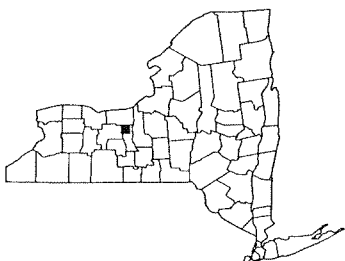
SENECA FOODS CORPORATION
 Processing No. 2003-02348(0)
 Ontario County, New York
 Quad: GENEVA NORTH
 Sheet 1 of 6



0 1000' 2000'

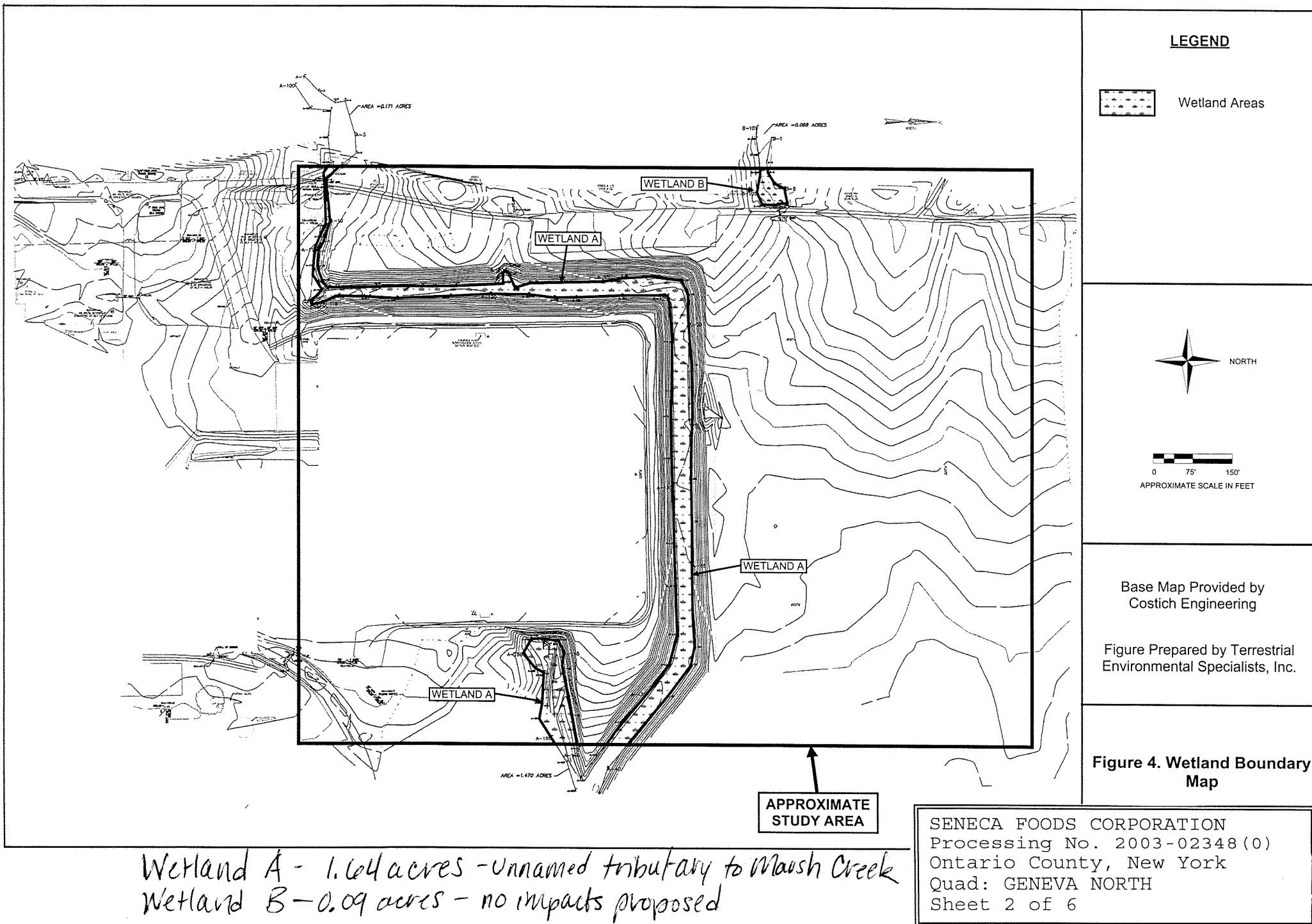
SCALE 1" = 2000'

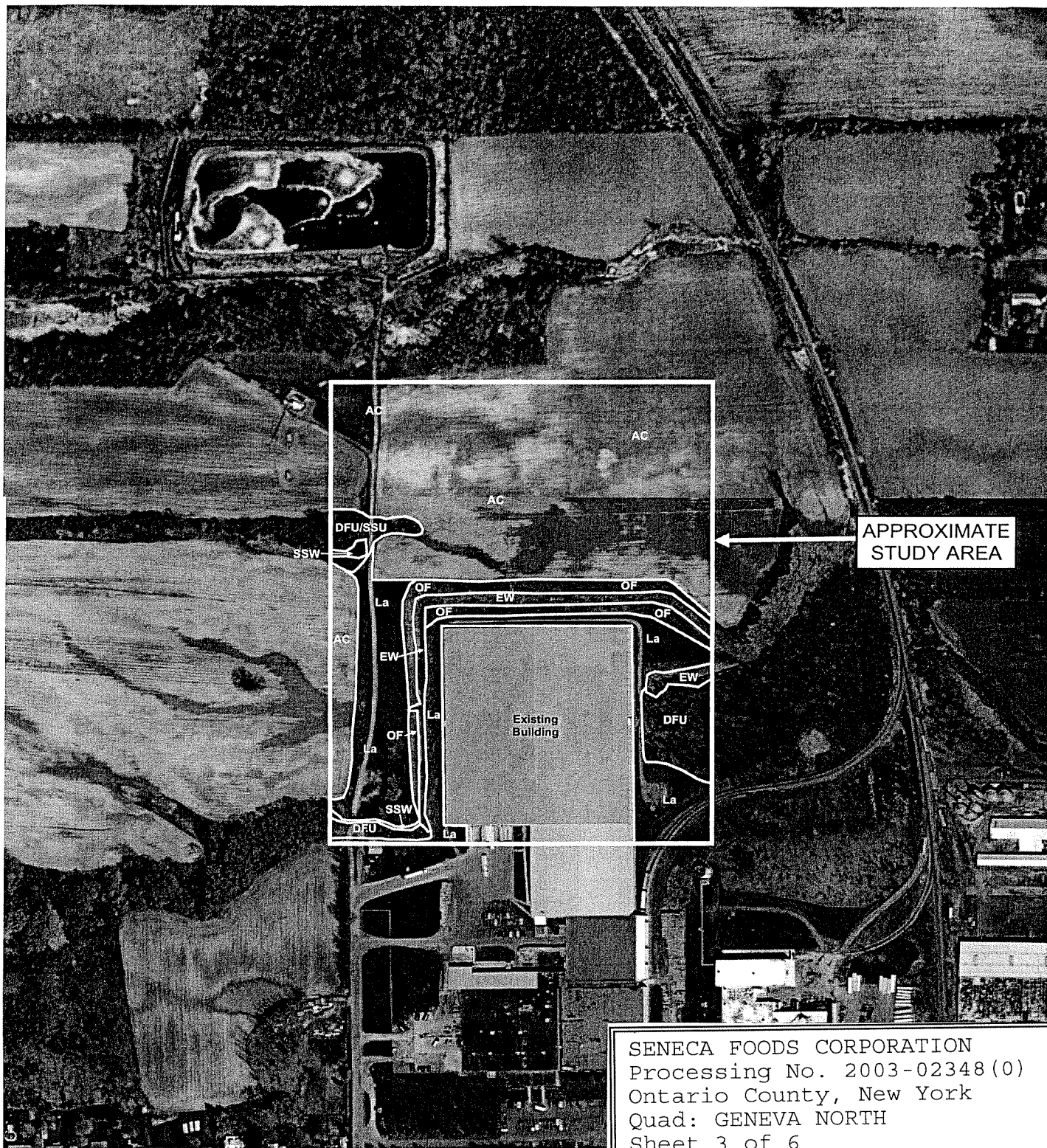
NORTH



QUADRANGLE LOCATION

Figure 1. Site Location
 NYS DOT Topographic Map
 Geneva North Quadrangle
 1978





LEGEND

AC - Agricultural/Crop Land
La - Lawn
OF - Open Field
SSU - Scrub-Shrub Upland
DFU - Deciduous Forest Upland
SSW - Scrub-Shrub Wetland
EW - Emergent Wetland

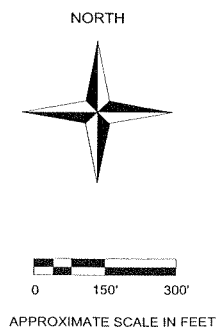
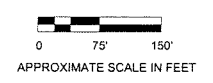
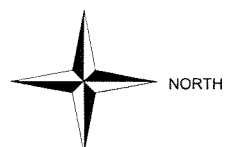
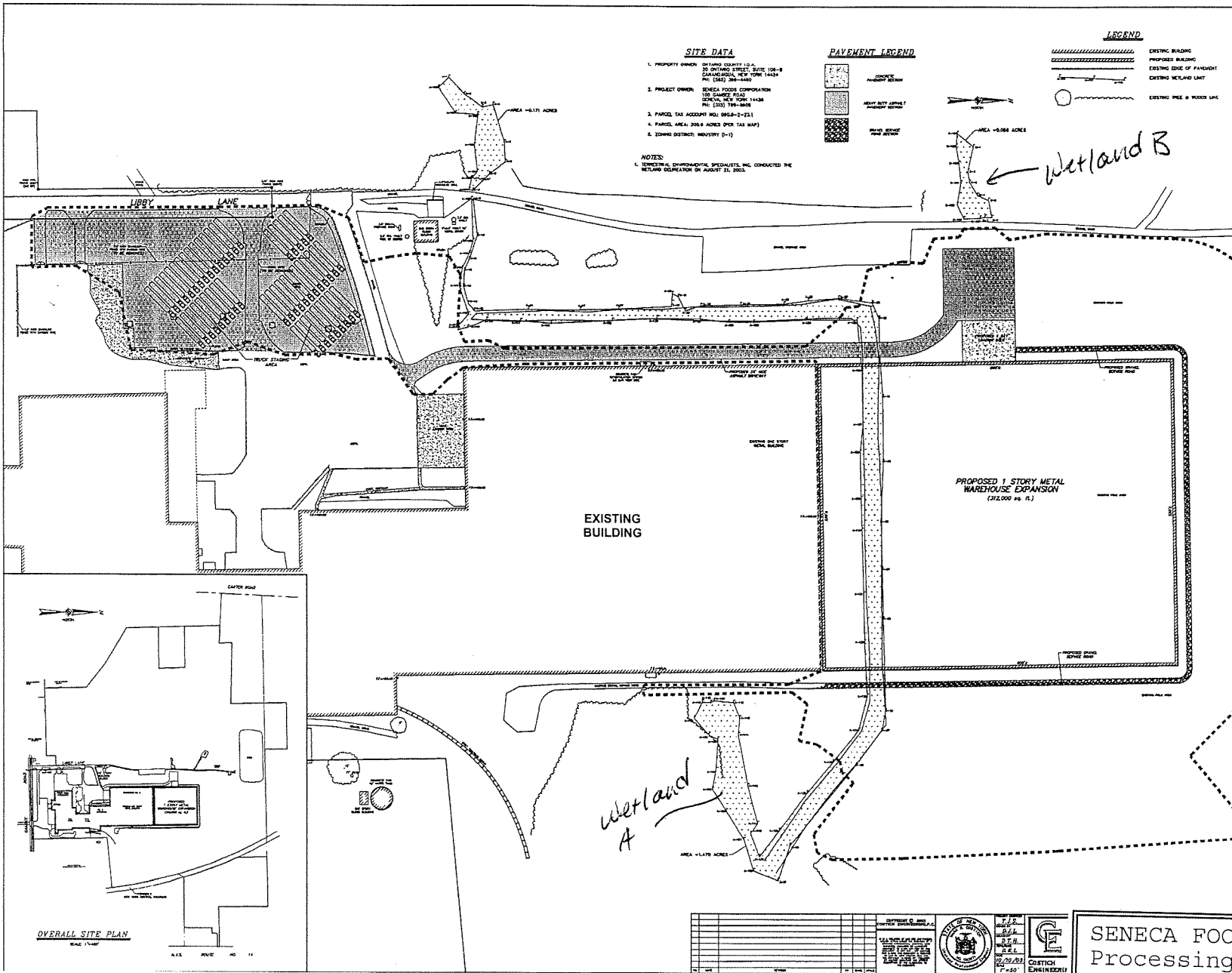


Figure 5. Aerial Photograph Showing Vegetation/Land Use Cover Types

April 2002 Aerial Photograph Provided
by NYS GIS Clearinghouse

Figure Prepared by Terrestrial
Environmental Specialists, Inc.



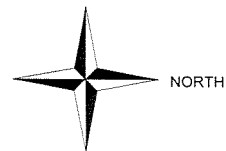
Base Map Provided by Costich Engineering

Figure Prepared by Terrestrial Environmental Specialists, Inc.

Figure 6. Site Plan

<p>DATE: 10/20/03</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>APPROVED: [Signature]</p>		
---	--	--

SENECA FOODS CORPORATION
Processing No. 2003-02348 (0)
Ontario County, New York
Quad: GENEVA NORTH
Sheet 4 of 6



- New channel to be constructed

0 75' 150'

APPROXIMATE SCALE IN FEET

Base Map Provided by Costich
Engineering

Figure Prepared by Terrestrial
Environmental Specialists, Inc.

Figure 7. Utility and Grading Plan

SENECA FOODS CORPORATION
Processing No. 2003-02348(0)
Ontario County, New York
Quad: GENEVA NORTH
Sheet 5 of 6

